IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4242 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

C S HOTELS PVT LTD

Versus

AHMEDABAD PEOPLES CO-OP BANK LTD

Appearance:

1. Special Civil Application No. 4242 of 2002

MR MUKESH R SHAH for Petitioner No. 1-4

MR RAVINDRA SHAH for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 23/09/2002

ORAL JUDGEMENT

When this matter is taken up for final hearing the learned counsel Mr.Ravindra R.Shah appearing for the

respondent Bank stated that in the Summary Suit No.1689/01 the learned Nominee has finally passed judgment and award on 18.6.02 whereby the award is passed for recovering Rs.64,44,901/- with interest. He places on record the copy of the said award passed by the learned Nominee.

2. In view of the above, since the main petition is against the order of attachment before judgment which was an interim order pending the suit, neither the said order would survive nor the cause for the present petition would survive.

3. In view of the above, petition is disposed of as having become infructuous without prejudice to the right of the petitioner to challenge the award dated 18.6.02 passed in Summary Suit No.1689/01 in accordance with law. Rule is discharged accordingly. Interim relief stands vacated. There shall be no costs.

23.9.02 (JAYANT PATEL,J)